

Meeting of 1997-3-25 REGULAR MEETING

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LAWTON CITY COUNCIL REGULAR MEETING
MARCH 25, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 7:10 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State Law.

ROLL CALL

Present: Jody Maples, Ward One
Richard Williams, Ward Two
Joe Dutcher, Ward Three
John P. Purcell, Jr., Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

Absent: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 11, 1997.

MOVED by Green. SECOND by Warren, for approval of the Minutes. AYE: Warren, Maples, Purcell, Shanklin, Beller, Green. NAY: None. ABSTAIN: Williams, Dutcher. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Tony Virtu made the following comments:

My names Tony Virtu. Ive got a little problem here. On the 4th of this month I went to Felix Cruz, the City Attorney, to try to make a complaint under the municipal code and he talked to me, said he would investigate, but he refused to take a written, sworn, written statement from me, and since he was named in this complaint, I asked him whether he felt this was a conflict of interest, he said no or words to that effect. Im not going to bore you with all these letters, Im just going to be very brief, but I will tell you that every one of them has been stamped by the City Attorneys Office as received. Three days later I wrote a letter to Felix Cruz asking him if he thought it was conflict of interest; he ignored that letter. On the 17th of this month I wrote him a letter, why have you repeatedly refused to allow me to give you a sworn complaint about possible misconduct of public officials. Is it possible that, one, you are trying to cover up possible misconduct; you told me that you would investigate but how is it possible for you to investigate a complaint you yourself are named in, dont you think that would be conflict of interest. Have you notified the City Council, as stated in the municipal code? About two hours later Felix Cruz handed me, well, not him, the secretary, handed me a letter while I was standing out in front of City Hall to read, if you have any complaint about possible misconduct of public officials, please file your complaint with the City Manager or the Lawton Police Department. Under the municipal code it says I have to file it with the City Attorney, so I wrote him another letter. I explained that to him, I rephrased, I reasked the questions I asked in the other letter. So I ask the question publicly, Mr. Cruz, do you think its conflict of interest to investigate a complaint that you yourself are named in and have you notified the City Council of this complaint. Any questions, any answers.

Marley: You were given a letter of answer.

Virtu: Im sorry.

Marley: Were you not given a letter that answered your question?

Virtu: Say again.

Marley: Were you not given a letter that answered your questions?

Virtu: No, I was not given a letter that answered my question.

Cruz: I responded to your second letter, Mr. Virtu, and it was dated yesterday to you and it was supposedly delivered to you.

Virtu: You responded to me yesterday?

Cruz: Yes sir.

Virtu: While I was in jail?

Cruz: Excuse me.

Marley: Sir, would you let the attorney speak.

Cruz: I responded to you with instructions to make sure you get the letter, copies of my letter were provided to the Mayor, to the City Manager, City Council, and the Chief of Police, and with that I have nothing further to say in this matter at this, in regard to your comments.

Virtu: Ill be here if you want to give me a copy of that letter.

(Council member Warren provided a copy of the letter to Mr. Virtu.)

Burl Boyce, 4630 NW Meadowbrook, said there seems to be a problem of money with the City and there is a suggestion that will cost nothing but will improve the flood conditions of Lawton. He said that suggestion is an ordinance that will prohibit or stop all building in the flood fringe, stop taking the land out of flood fringe and putting it into a development area. Boyce said he lives in a flood area but that when he moved there, he checked it out and that 8-1/2 inches of rain flooded that area; the last time it flooded was 3-1/2 inches and nearly flooded with 1-1/2 inches of rain last time.

Boyce said in 1974 the Corps of Engineers stated, and this is in the engineers office, that any building west of 62nd Street or north of Cache Road, that the Meadowbrook area would flood. He said when Wal-Mart went in, all of the sudden the whole canal was cleaned up; when Food Lion went in, that whole canal was cleaned up; the development south of Gibsons, all of the sudden, that canal was cleaned up, and now north of Cache Road for 300 yards, it is cleaned up and the developer is moving in and wants to build again. Boyce said this is another coincidence and this is the one that hurts me to say, one developer told a friend of mine that you all take care of Meadowbrook and we will take care of the City, and this is the one that should hurt you; another developer told me that we have influence on the City Council and there is nothing you can do about it and we started that over 15 years ago. Boyce said he resented that statement and was sorry he had to say it.

Samuel Valentine, 5318 NW Glenn, said he was the President of the Lawton city-wide brotherhood representing 13 churches. He said his concern was for the Dunbar School which has been closed for quite some time and they are trying to rebuild the school and turn it into a community center. A cost estimate has been prepared and much volunteer work is being done, and that will continue with operation of the center. Valentine said youth wander the streets with no place to go, which opens the door for crime and things parents cannot control. He said he felt Dunbar School being a community center would greatly benefit the City and that any help would be appreciated; fund raising and rallies are being planned to show the desire to follow through. Valentine said if funds are available through the City for renovation, he would request that they be allowed to proceed.

BUSINESS ITEMS:

1. Hold a public hearing and consider an amendment to the Land Use Plan from Parks/Open Space to Commercial and Office and a change of zoning from F (Floodplain District) to C-5 (General Commercial District) zoning classification located at 5112 NW Cache Road. EXHIBITS: ORDINANCE NO. 97-11; LOCATION MAP; SITE PLAN; APPLICATIONS FOR AMENDMENT TO THE LAND USE PLAN AND REZONING; LMAPC MINUTES OF FEBRUARY 26, 1997.

Bob Bigham, City Planner, said Wayne Abshire is the applicant for this 2.1 acre tract. Viewgraph was presented showing the area in question which is at the intersection of NW 52nd Street and NW Cache Road to the south of the traffic control device; immediately to the east is the new Toyota dealership, or the old M & H Motors; to the north is another car dealership.

Bigham said the request is bounded by C-5 on all sides except to the south which is zoned R-1, which is the Meadowbrook area. The southern one-third of this tract, which is 168 feet wide by 653 feet deep, is in the flood plain area identified on the FEMA flood maps. The tract is over 2.2 acres and Chapter 19.1, the stormwater ordinance, will apply to this tract of land. The middle branch of Wolf Creek does bisect this property.

Bigham said Notice of Public Hearing was mailed to 41 owners within the 300 feet notice area for the Planning Commission public hearing, and notice was published in The Lawton Constitution. The Planning Commission on February

26 held a public hearing; five spoke against the request and two spoke in favor. The Planning Commission recommended approval of changing the zoning on the north 423 feet of this tract, which will allow the applicant to have the used car dealership on the property. He said exhibit three indicates the recommendation for the north 423 feet and also indicates the flood plain line; this does include some of the flood fringe which can be developed under Chapter 18 but none of the flood way is included in the recommendation.

Maples asked if they will be required to build a detention basin. Bigham said the requirements apply if the tract is over two acres and this tract is 2.1 acres, and that was fully discussed at the Planning Commission meeting.

Dutcher asked if any concrete will be laid in the flood plain. Bigham said the proposal shown on the site plan in exhibit three only shows 200 feet south of Cache Road so a very small portion of it would be in the flood fringe; the recommendation is to include C-5 on the flood fringe and even though it is not in the site plan now, it could be developed later.

Shanklin asked how the applicant plans to comply with the flood ordinance and where the detention pond will be located. Bigham said that is not shown on the diagram and that will be reviewed during the building permit process. Shanklin asked if anyone had any idea and Bigham said not at this time.

Schumpert said a detention pond would not necessarily be what the structure will look like. He said Comanche County Memorial Hospital has a detention structure on its property on the east side and it could be something similar, or a 12" or 18" curb, but it would have to release the water at no greater rate than the water is released from the property in its current state, so it is pre equals post. Shanklin asked if all the water that falls on this lot will be controlled. Bigham said it would follow the provisions of Chapter 19.1 which is a performance requirement to detain the water at the predevelopment rate after it is developed.

Purcell said this is hard land which does not easily absorb water, so there is water running off now into the creek. Bigham agreed. Purcell said when construction is done on the front part, the water from that will have to be contained so there could theoretically be less water running off of the tract after development than currently runs off. He asked if that was correct. Schumpert said it could be less during a period of time, but more during a longer period of time. Schumpert said the water now leaves at a certain rate, and when a detention structure is built, the water will leave at a slower rate but there will be water released from it for a longer period of time. Bigham said Chapter 19.1 shows co-efficient of run off and those will be the numbers used to determine current and after development runoff.

Williams said there was a comment by Mr. Abshire in the Planning Commission meeting about the fact that he had been paying taxes on part of this property as C-5 and a good part of it is not C-5. He asked if that had any bearing. Bigham said the tax rates are developed by the County Assessors Office and that he was not certain that they are relying on the Citys zoning code as the basis for those assessments. Bigham said the property is on Cache Road in a retail area and a commercial rate may have been assigned to this parcel even though only a small portion of it is zoned commercial, but that responsibility is up to the County.

PUBLIC HEARING OPENED.

Bigham said two additional letters were received, one from Mr. Lechner and another from the Toyota dealership.

Anthony Cominos, 812 NW 50th Street, said he lives in the Meadowbrook area. He said he was not sure he was within the 300 feet area, and it was determined that the boundary for that was north of Liberty Street. Cominos said references had been made to several sections of the city code but it appeared the residents were again having a loaded gun placed to their heads for people living in the Meadowbrook area. He said there is a good slope where the area is proposed for construction and it is only good sense to think that cement generates more water than dirt as far as run off from rain. Cominos said Mr. Lechner sent a letter dated March 22, 1997, and he hoped Council got it although as far as he could tell, none of them did. The Clerk stated the letter was distributed. Cominos asked if Council reviewed the letter and said there are references to items required by the Corps of Engineers and other governing areas.

Cominos said he, as a property owner, would go on record as opposing any cement being laid anywhere in a flood area or near a flood area. He said there is already a problem which has been discussed time and time again with the Council. Cominos asked that the Council consider not approving the request.

Charles Singleton said he prepared the packet for Mr. Abshire and it is color coded to show the existing C-5 zoning. He said the red line goes back approximately 430 feet, which is in the flood fringe and not in the flood way; the proposal barely touches the flood fringe on one edge probably not over ten or fifteen feet on the end. Singleton said on the question about the property taxes, the County assesses the zonings and C-5 is the highest zoning and you pay the highest taxes for C-5.

Kay Terrill, 811 NW 51st Street, said she felt this was a done deal, that the clearing of the land has already been done, and if she was not mistaken, building has begun, but that they had to make their point. She said Purcell had asked a very good question. Terrill said she wanted to know who would monitor enforcement of the ordinance, and if it does not comply, who will be held liable, the builder, the land owner, or the Council. She said there is an obvious problem, which will escalate and has done so historically, and the residents would be present again. Terrill said she would be very surprised if the vote were not nine to nothing tonight in favor of the request.

Ted Lechner, 808 NW 50th Street, asked if there were any questions about the letter he had sent. He said in Bangladesh the ordinary citizens are swept out of their homes annually by flood waters while the potentates of that country sit on high and make money. Lechner said a person may think it is far fetched to make an analogy of that sort with what is happening in Meadowbrook, but if you will consider not just the present developer who wants to construct just north of the worst flooding area of Wolf Creek but past developers and past City Councils. If you consider the cumulative effect of what they have done, it is, as far as creating industrially propelled runoff is concerned, it is in effect "Bangladeshizing" a certain class of people who live along Meadowbrook. From this point on, now that the Corps of Engineers and EPA have spoken, any sort of playing around with what comes into Wolf Creek is entirely out of order and should not be considered at all. He said he was shocked to hear that the developer does not play to put in a retaining "pondlet" but a curbing.

Lechner said there was quite a rain in the Ohio Valley recently and a meteorologist was asked if this was the 100 year flood and the response was that this is the 1,000 year flood. He asked what would happen with the curbing, the co-efficient of friction between the water and the surface will change dramatically when the water is higher than the curbing. He said those arguments do not meet the problem.

Lechner said he had gone door to door in the neighborhood recently talking to people about this, and he was shocked to hear people ask why should they come to the meeting because it was all over with and that it was foolish for him and others to attend. He said he had no personal reason to think that and knew none of the Council members personally, but in his arguments to defend Council, the architecture of the room is not a great help. He said the citizens of Lawton stand beneath the Council and appeal to the Council at a higher level; he asked why the citizens are down here and the Council up there. Lechner said it is an architectural thing that he did not blame the Council for personally, but the people in the neighborhood have said just that, that the Council is on high and the citizens are on low and why do you even go to the meeting, its a done deal, its all over with. He said he asked himself how he could counter that because we would not like people to think that, and he said heres a way, theres a vote tonight on a seemingly small issue and it has to do with capital development, prospective profits and the spending of money by American businessmen, pitted against a simple, clear right and wrong that affects the individual, a simple injustice.

Mayor Marley asked that remarks be concluded due to time restraints.

Lechner said A.E. Houseman, poet, said let us endure an hour and see injustice done; he said he would not like to see that here tonight. Lechner asked that Council look up to the people and hear their voices, and let their votes speak.

Elaine Sveiven, 1108 NW 51st Street, said they purchased their home in 1974 and at that time they checked it out and found there had been no flooding in that area. She said since then they had consistently seen the creek come higher, quicker, since the development to the north has been done with no regard to where the water is going. Sveiven said tonight both she and the developer were asking for the City to help; the developer bought his property to make money and she bought her property for a home to live in, as many others along the creek have done. She asked Council to take a small step as the Citys leaders to help the many who really do need help; anything done on the creek will hurt. Sveiven said three weeks ago there was 1-1/2 inches of water and within 15 minutes after the rain started, you could watch the creek rise and within 45 minutes it was at her back door, and four other neighbors had stated the same thing. She said she was speaking of peoples homes and that they wanted to have dry feet.

Ann Hall, 1123 NW 50th Street, said she had never flooded but that she lives next door to Mrs. Sveiven and the Moses, and that she had watched those people flood. She said you cannot imagine how devastating it is to watch this happen to your neighbors and you cannot help them. Hall said if this is rezoned, she felt it would affect her the next time because water came within an inch of her house.

Joe Bacon, 1112 NW 52nd Street, said his house is directly behind the proposed parking lot and the middle branch is between his house and the proposed parking lot. He said a statement was made about the dirt being a hard surface and it was not, it was a grassy area at one time and dirt was hauled in last year building it up and packing it down, probably for this project, but until that time it was a grassy area and there was no runoff until the ground was saturated.

Bacon said he attended the Planning Commission and there was a question about Abshire paying taxes on a commercial area and that he should get some return on that. He said the residents pay taxes on their houses at a good rate and there are some very expensive houses in the area, but now you can put your house up for sale and no one will even come to talk to you about it. Bacon asked that this request be denied to rezone the flood area. He said the 1-1/2 inch rain discussed was not one where there was rain all day and it stopped, but then that night it rained 3/4ths of an inch and the creek filled, got to peoples doors and started running into the cul de sac in front of his house and that was with 3/4ths of an inch of rain after the ground had been saturated. He said any additional runoff is too much.

Glen Thomas, 1108 NW 52nd Street, said he was within the 300 feet area. He said he could only echo what his neighbors had stated. Thomas said he had lived in the house since 1973 and about 16 years ago the zoning was changed for Country Hollow Townhomes from R-1 to allow more density of housing. He said they were assured at that time that there would be no more runoff but that turned out to be nonsense; now they are being assured that a used car lot will go to an expense of a complex water retention system and that is nonsense.

Jim Moses, 1125 NW 50th Street, said he supported the letter that Mr. Lechner had written and asked that it be given consideration. He said there are two options, one being to have a used car lot or the other being to protect those who live along the creek.

Zane Strother, 1107 NW 51st Street, said he lives outside the dotted area but that he could say he stands in his yard as water rises and watches it go through the homes of those who have spoken. He said he had watched water come through Mr. Moses garage and it looked like a creek rolling through his garage. Strother said one more drop of water is not to their benefit. He asked that Council consider Mr. Lechners letter and the issues that he had brought up. Strother asked that the property owners, who bought property there many years ago without any concern of flooding, be considered. He said at that time there was almost no flooding, unless there were four to five inches of rain, but now far less water causes floods, simply because of the development upstream of the middle branch of Wolf Creek, and we cannot withstand any more. Strother asked how many Council members, after any rain, had seen the plight or attempted to wade the cul de sacs to get to these people and try to help them.

Wayne Abshere, Pumpkin Center, Rural Route 1, said he could see that he was in the minority. He said he had owned the property since 1977 and had paid taxes on it as C-5 since that time. Abshere said last year on that vacant piece of property he paid \$820.36 taxes. He said he was trying to generate a little revenue off of the very front of it to help defray expenses.

PUBLIC HEARING CLOSED.

Dutcher said he was curious as to how much water would run off from the substation being built on 53rd Street, which will probably be more than Mr. Abshere is talking about. He said that Mr. Abshere said he would do what the City asks him to do and that he is a very honorable man and would do so. Dutcher said it seems that we do not want to give our flood ordinance a chance to prove itself and that everyone is in doubt about it.

Dutcher said he would vote no because these are his constituents. He said he was in favor of this and felt it could be to done to the advantage of everyone, but that a Council member must vote the way his constituents desire. Dutcher said he also had the authority to say how he felt about this, but that he would vote no, but that it was not giving the flood ordinance, that the residents wanted, a chance to prove itself.

Green said she would not be in favor of the rezoning and would oppose changes in the Meadowbrook area or additional development in the area that would affect the homes and citizens of the Meadowbrook area.

Williams said he agreed the property should be zoned C-5 and that he had not been on the Council long enough to see the stormwater program adopted a couple of years ago really take affect and see how well it will do. He said he knew the Meadowbrook flooding was a grave concern of the residents of the area and it is a problem for the City as well as the residents. Williams said anything on Cache Road has to be commercial and the property cannot stay as it is forever, but at some point, the City, residents and developers need to come together and work toward solving the situation and problems. He said there are some ideas and it will be a tremendous cost. Williams said he could not be in support of rezoning this to C-5 at this time.

Shanklin said he asked a question earlier and the developer would likely want to know what would be required before he invested in the concrete. He said he did not understand how Mr. Abshere could invest his money before he knew what he would have to do to alleviate the runoff.

Bigham said Chapter 19.1 is a performance type requirement and sets out specifications for what the applicant must do. He said the information has not been submitted at this time and would normally be submitted during the building permit process. Bigham said there might be a variety of alternatives for the developer to meet his requirements. Shanklin asked how we would know that the work will impede the flow, and said before he would vote for this he would need to know what Mr. Abshere will have to do to comply with the flood ordinance.

Shanklin said he has been to the Meadowbrook area when there was flooding and knew it would continue to flood. He said 11th Street flooded for the first time in 25 years by the swimming pool. Shanklin said the water rises and we cannot get it down stream. He said that had been his contention for some time and that the City had done some work on it, and that he did not believe the statement that it would do no good to do work downstream. Shanklin stressed the need for detention reservoirs on Fort Sill and said the City has no control over the State owned land which the water cannot pass through at Cameron University. He said the flood ordinance has passed and if he can be convinced the project will not cause flooding, he would have to vote for it, but that he would need to know what would have to be built before he could vote in favor.

Purcell said a number of meetings were held previously on stormwater drainage and many of those who are present tonight had urged passage of such an ordinance. He said the ordinance requires that no more water flows off of this land than flows off today and the ordinance must be given a chance to work. Purcell said he would support the rezoning and that he did not want more flooding in Meadowbrook or anywhere else but based on the answers given, and hopefully the issue will be forced when the building actually takes place, there should be no more water coming off that land when they put in the parking lot than there is today.

Beller said the LMAPC minutes reflect that Commissioner Green asked Mr. Abshere if he could construct the car lot without the rezoning, and Bigham said there was no disagreement that portion of the tract was not in the flood plain where Mr. Abshere proposes to construct the car lot; the reason the rezoning is required is the flood plain district does not allow the used car low. Beller said the rezoning is recommended for the north 423 feet and it must meet the provisions of Chapter 19.1 and states there will be retention of the water, and at the same meeting, the question was asked as to whether Mr. Abshere could be denied the use of his property and it was pointed out that you could not do so and that it is

zoned C-5 already, according to the minutes of the LMAPC. He said there was a question about a detention pond and Mr. Abshire indicated he understood about the detention pond, and that he was assuming that when the permit is granted, the detention pond portion of that will be in the permit arrangement. Beller said this should help hold the water back, and the retention ponds on Fort Sill would help also. He said he did not think curbing would satisfy the desires of the area residents in this situation. Beller said he did not feel this 200 foot piece of property would exacerbate the problem of Meadowbrook flooding. He said cleaning out the creek, getting onto the Country Club property and opening up the bottleneck would alleviate the flooding. Beller said he would support the rezoning request.

Shanklin said the engineers were talking about the detention pond at the LMAPC meeting but now there seems to be a question as to what will be required and that bothered him. He asked if Mr. Abshire understood that there will be a detention pond.

MOVED by Shanklin, that this be delayed until we know exactly what, if the engineers cant tell us what theyre going to have to do then theyre in the wrong business, to tell us what were going to do to alleviate flooding off of that tract of land any greater than pre equals post.

Beller said the information shows that if a permit is granted to build a parking lot, and he assumed that would be the only appurtenance added to the property is the lot itself and a building is not shown; when the permit is granted, it will say before you can open for business, there will be a retention pond somewhere on that property to collect that runoff. Bigham said that was fully discussed at the Planning Commission, Mr. Newville and the City Attorney both rendered an opinion that 19.1 would apply to the development of this tract.

Schumpert said better terminology would be a detention facility; the applicants engineers will have to design a detention facility to be submitted with the building permit and the City Engineers will model it to determine if it is correct, and it must be correct before the Citys engineers will sign off on it for the building permit. Shanklin said it is up to the developer to determine where to put the detention, whether on the back portion of the tract, in the landscaping or in the parking lot. Shanklin said he was satisfied that the staff would be pretty picky on it.

Mayor Marley said the question was asked and we should know who will be responsible to determine compliance as to pre equals post, what are the tools to enforce it, and who monitors it. Schumpert said Building Development will issue the permit and monitor the building of it; if there is a question about the technical nature of the structure that is being built, they will call out the engineers who enforce it and can issue a stop work order or take appropriate action to stop it if it is not being done. Schumpert said if it does not comply and they attempt to use it, they can be cited for violation of codes, and that would again be Building Development.

Mayor Marley said the question is, once you get the permit which has gone through the models and looks like it will meet pre equals post, but after it is built, it does not. He asked what the solution would be then; if everything is right and the models show it is acceptable, who is responsible to say it did not comply. Schumpert said the structure would be built on the 100 year flood standard. Mayor Marley said the point is what happens after it is built and there is a determination that there is a problem. Schumpert said the area could flood if there is an extreme storm, but the detention will be designed for a 100 year flood, and if it is that or less, the detention facility will abate that. Mayor Marley said if it does not, and there is flooding, what is the recourse for the Council at that time, can the business be shut down, and how can we determine that the excess flooding came from that property. Shanklin said it would be impossible, he has flooded himself. Mayor Marley said these questions should have been asked when the ordinance was being considered.

Shanklin said Mr. Lechners letter shows the EPA has an interest in the Meadowbrook area and asked if staff was aware of that. Schumpert said he was not aware of EPA interest, but that the staff does deal with DEQ.

Bigham said information in the agenda packet shows the engineers review of the request and the Section 404 permit will be required of the applicant before any development is done in the flood plain area. Shanklin asked if Mr. Lechner could respond based on his letter and asked if he knew that the EPA has decided it had an interest.

Lechner said he talked to Mr. Prather at the EPA regional headquarters in Dallas by phone on several occasions, and the last time Mr. Prather mentioned he had come down to see Mr. Ihler and that they had walked the creek and Mr. Prather had offered his very informed opinions. Lechner said the EPA reviews the permits and the City of Lawton is now on notice from the Corps of Engineers to request, so the Corps of Engineers is asking Lawton, and it has complied, to request a permit and EPA reviews that.

Shanklin asked if the City was safe in taking any actions at this point. Jerry Ihler, Public Works/Engineering Director, said EPA is concerned with the tributaries and the creeks that are natural, such as the middle branch of Wolf Creek and Squaw Creek; manmade runoff as a result of construction in the drainage area is not a concern of EPA with regard to the actual channel itself. Ihler said EPA is concerned with what we do with the channel itself, not the development of the basin, as long as the development does not disturb the water way of the channel that this area flows into. Ihler said they are not concerned with a development upstream unless it involves making changes to the creek itself or the channel. Ihler said he had met with Mr. Prather with EPA regarding drainage maintenance, and any drainage maintenance on any of the creeks requires the 404 permit and the application must be submitted for that.

Dutcher asked who would monitor the runoff that will accumulate from the detention on this site after a heavy rain. Ihler said it does not require that someone go out and monitor the runoff after it is designed; during the design of the project,

whether it be a pond that will hold water and release it through a certain size pipe, that design is modeled by their consulting engineer and staff reviews it and also models it and hydrology is not an exact science but the best technology available is used.

MOVED by Beller, SECOND by Shanklin, to approve the rezoning and to adopt Ordinance No. 97-11, waive reading of the ordinance, reading only the title.

(Title read by Clerk) ORDINANCE NO. 97-11

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF F (FLOODPLAIN DISTRICT) TO C-5 (GENERAL COMMERCIAL DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Maples, Purcell, Shanklin, Beller, Warren. NAY: Williams, Dutcher, Green. MOTION CARRIED.

2. Hold a public hearing and adopt a resolution declaring the main structure at 1610 SW Garfield Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize the expenditure of CDBG Contingency Funds, if necessary, to demolish this structure.

EXHIBITS: RESOLUTION NO. 97-33.

Dan Tucker, Building Development Director, presented a video of the property stating it is vacant and being occupied by transients; neighborhood groups have requested that it be secured, but it cannot be due to the size of the holes in the walls. Sheet rock has been removed, there is evidence of an attempt to start a fire. He recommended demolition.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING RECESSED.

MOVED by Green, SECOND by Williams, to adopt Resolution No. 97-33 declaring the structure at 1610 SW Garfield Avenue to be dilapidated and a fire hazard and detrimental to the health and safety of the community and calling for destruction of said structure; and authorize expenditure of CDBG Contingency Funds, if necessary, to demolish the structure. AYE: Williams, Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

PUBLIC HEARING CLOSED.

(Title only) RESOLUTION NO. 97-33

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURES.

3. Hold a public hearing and adopt a resolution declaring the structures at 504 SW 20th Street to be dilapidated and detrimental to the health and safety of the community, and authorize the expenditure of CDBG Contingency Funds, if necessary, to demolish these structures. EXHIBITS: RESOLUTION NO. 97-34.

Tucker presented a video of the structures and stated this was formerly known as Todd and Dons Mobile Home Park; owner is estate of Jimmy Cann, deceased. This portion contains 12 structures which are being striped for the aluminum siding and wiring within the walls. The property no longer meets the standards for a mobile home park; the dilapidated structures on frames are open and accessible and being used by persons within the neighborhood. Demolition was recommended.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING RECESSED.

Shanklin said he turned this is about two months ago and commended staff for bringing it back this quickly.

MOVED by Shanklin, SECOND by Maples, to adopt Resolution No. 97-34 declaring the structures dilapidated, a fire hazard and detrimental to the health and safety of the community, and call for the destruction of said structures, and authorizing the expenditure of CDBG contingency for said demolition. AYE: Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

PUBLIC HEARING CLOSED.

(Title only) RESOLUTION NO. 97-34

A RESOLUTION DETERMINING CERTAIN STRUCTURES TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURES.

4. Hold a public hearing and adopt a resolution declaring the structures at 1513 SW Summit Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize the expenditure of CDBG Contingency Funds, if necessary, to demolish these structures. EXHIBITS: RESOLUTION NO. 97-35.

Tucker said the video shows another three mobile homes in a separate location also owned by the estate of Jimmy Cann. He said in attempting to identify and contact the estate, staff had notified seven attorneys, eleven relatives, and the County has a tax lien against the property. Tucker said the structures are being striped and there is a lot of debris on the property; tires and wood present a fire hazard. Property is immediately adjacent to occupied, single family dwellings. Williams said there is a house in front to the south of the mobile homes and asked if it would remain. Tucker said the house is on a separate property but is being processed through the system. Williams asked if the house will come before Council. Tucker said if the owner does not respond to the City's requests to demolish it, the matter will be presented to Council.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING RECESSED.

MOVED by Green, SECOND by Shanklin, to adopt Resolution No. 97-35 declaring the property dilapidated and a fire hazard, and use CDBG contingency funds to remove the structure. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Dutcher. NAY: None. MOTION CARRIED.

PUBLIC HEARING CLOSED.

(Title only) RESOLUTION NO. 97-35

A RESOLUTION DETERMINING CERTAIN STRUCTURES TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURES.

5. Consider adopting an ordinance relating to animals, amending Chapter 5, Lawton City Code, as amended by Ordinances 95-26 and 96-20. EXHIBITS: ORDINANCE NO. 97-____ (ON FILE IN CITY CLERKS OFFICE); SUMMARY OF CHANGES; MEMORANDUM TO MAYOR AND CITY COUNCIL MEMBERS, MARCH 13, 1997.

Shanklin said this has been a hot issue for a number of years and the ordinance has been re-written by staff. He said some citizens are very interested in the subject and suggested that the Council as a whole conduct a workshop session on this item so adequate input can be received.

MOVED by Shanklin, SECOND by Maples, to table this item to a workshop on April 10 at 6:00 p.m. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Purcell. NAY: None. ABSTAIN: Dutcher. MOTION CARRIED.

6. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending fees relating to animals. EXHIBITS: RESOLUTION NO. 97-____.

This item was not acted on due to Item 5 being tabled.

7. Consider adopting an ordinance amending Section 4-213, Chapter 4, Lawton City Code, 1995, modifying the grounds for denial, suspension or revocation of license for low point beer retailers and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-12.

Purcell said he initiated this and explained the reason as being that the City has had an ordinance in effect for years that said if you were convicted or violated the ordinance by the sale of beer to minors, or other infractions under that code, that you would be charged and the City Attorney could take action to either revoke or deny your license. In many instances, and perhaps almost all, people have paid a fine and never went to court. Recently the City Attorney made the determination that we will go to court when this happens, then if you are convicted, the City Attorney then may take action to revoke your license, and it has been interpreted as he "will" take action to revoke your license so there is not selective enforcement.

Purcell said what started this is we have Business A and B, and Business A had never had a problem violating any ordinance for ten years, or a long time, and he was convicted because one of his employees sold beer to a minor, went to court, was convicted and his license was revoked. Business B had many, many instances of violating the ordinances but the first time they had gone to court and were convicted, the license was revoked, so we treated one business, who had many violations over the years, the same way we treated one who had one but never had a problem before.

Purcell said it is hard for a business to control all of its employees and never have an employee make a mistake. He proposed something that would not penalize and put someone out of business if one of their employees makes a mistake, because we all make mistakes. The proposal is that three strikes and you are out, basically. It is rewritten so that within a two year period if you have three instances of either being convicted or violating the ordinance then the City Attorney will, not "may" any more, but will revoke your license and it would then go through the Judge and the same appeal process, and if you do not like what happened there you can appeal to the City Council. This precludes someone from being penalized for a one time instance of their employees making a mistake.

Purcell said the Police Chief is opposed to this, and when he talked to him about it, he opposed it based on the fact that any lessening of the restrictions causes something he would not like to see, but he also agreed that we do not want to penalize someone and shut a business down for one instance by an employee.

Shanklin said he thought we clarified the other night that the buyee, the buyer was responsible. Schumpert said that is correct, in this case what we are talking about is for a bartender who sells it to the under age individual. Shanklin asked if that was without checking an ID. Purcell said yes, or if they do not check it correctly, and there was an instance of that. Purcell said it is a violation, it does not change the violation, if they do it and get caught and go to court and get convicted, what it states is we do not automatically revoke their license for one instance; the third instance within two years is automatic revocation.

Shanklin said the instance he was thinking of would be when a person goes in with a fake ID, but whenever the police come, they show them their real ID, and that is not the proprietors fault. Cruz said this amendment and the original provision applies to the owner and operator and employee, in the ordinance you also have a penalty for a person who actually buys and gives to a minor, but this is about the owner and operator and not the customer because they are dealt with in a separate section of the ordinance.

MOVED by Purcell, SECOND by Warren, for approval of Ordinance No. 97-12, declare an emergency, read the title only and waive the reading of the ordinance.

Bill Adamson, Police Chief, said after discussions with City staff he really had no strong opposition. He said his first reaction was that on any lessening or weakening of the ordinance, he would always fall to the more conservative side. Adamson said where this really comes into play for them is during police operations where police agents are used to make illegal buys from businesses; normally, we do not make a case against the business because someone under age walks in and buys a beer or alcoholic drink because they are not in the place in time to do that. He said he has no strong opposition to the ordinance.

(Title read by Clerk) ORDINANCE NO. 97-12

AN ORDINANCE RELATING TO LICENSES, AMENDING SECTION 4-213, CHAPTER 4, LAWTON CITY CODE, 1995, MODIFYING THE GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF PERMITS FOR LOW POINT BEER RETAILERS AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin. NAY: None. MOTION CARRIED.

8. Consider adopting an ordinance amending Sections 22-206 and 22-207, Chapter 22, Lawton City Code, 1995, allowing homeowners and tenants to shut off water at the water meter, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-13.

Beller said there is an ordinance that prohibits a property owner or tenant from turning off the water, even in the event of an emergency; it was a violation for the property owner, without calling the City and then calling a licensed plumber, to turn off his water at the meter. Beller said he felt that was ludicrous and was the reason he requested this amendment.

MOVED by Beller, SECOND by Green, to approve Ordinance No. 97-13, waive the reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 97-13

AN ORDINANCE RELATING TO WATER, AMENDING SECTION 22-206 AND 22-207, CHAPTER 22, LAWTON CITY CODE, 1995, ALLOWING HOMEOWNERS AND TENANTS TO TURN WATER OFF AT THE WATER METER FOR THE PURPOSE OF MAKING REPAIRS, AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

9. Consider denying an application to close a portion of the NW Ferris Avenue right-of-way adjacent to 513 NW First Street. EXHIBITS: APPLICATION; SURVEY; LETTER FROM FIRST COMMERCIAL BANK; COUNCIL POLICY 5-1.

Schumpert said the item was initiated the property owner and the application has been included in the agenda commentary. He said the structure was built in 1944 and the mortgage company will not provide a mortgage until this problem is resolved. Schumpert said none of the staff objects from an engineering, building development or planning criteria; however, Council Policy 5-1 establishes the criteria for closure of public ways and easements, and the application is not consistent with that criteria. He said Council may set a date to consider this request if it so desires, and waive the policy.

Purcell said he looked at this house and it is in pretty good shape. He said there is only 2.6 feet of the house sitting on the right of way, and a little over hang along the side is another 1.5 feet.

MOVED by Purcell, SECOND by Beller, to waive Council Policy 5-1 and bring back an ordinance at the earliest possible

time, setting the hearing date for May 13. AYE: Warren, Maples, Williams, Dutcher, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

10. Consider denying an application to close a portion of the NW Arlington Avenue right-of-way adjacent to 114 NW Arlington Avenue. EXHIBITS: APPLICATION; SURVEY; LOCATION MAP; COUNCIL POLICY 5-1. Schumpert said this is a similar situation; it is a recently constructed building and is off 1.762 feet.

MOVED by Beller, SECOND by Maples, to waive the council policy and set a date to consider an ordinance, with the date of May 13, 1997. AYE: Maples, Williams, Purcell, Shanklin, Beller, Green, Warren. NAY: None. ABSTAIN: Dutcher. MOTION CARRIED.

11. Consider an ordinance enacting Section 21-801 through 21-804, Article 8, Chapter 21, Lawton City Code, 1995, pertaining to the dedication and acceptance of offsite improvements outside the subdivision plat. EXHIBITS: ORDINANCE NO. 97-14; ADMINISTRATIVE POLICY 6-2; DRAFT LMAPC MINUTES OF FEBRUARY 26, 1997.

Bigham said this ordinance would take the place of Administrative Policy 6-2 which sets forth a procedure for dedication and acceptance of public infrastructure, such as a sewer line being built in association with a commercial building, this ordinance would provide the procedure for the developer or applicant to follow to have it dedicated to the City. He said the administrative policy would be deleted if the ordinance is approved. Bigham said the Planning Commission has reviewed this, held a public hearing, and recommends approval.

Maples asked if this will be less cumbersome. Bigham said yes, the administrative policy provided for this to go through the Planning Commission approval process and that has been eliminated and the plans will come directly to City Council.

MOVED by Beller, SECOND by Maples, to waive reading of the ordinance, read the title only, and enact Ordinance No. 97-14, enacting Sections 21-801 through 21-804, Article 8, Chapter 21, Lawton City Code, 1995, pertaining to the dedication and acceptance of off site improvements outside the subdivision platting process.

(Title read by Clerk) ORDINANCE NO. 97-14

AN ORDINANCE RELATED TO SUBDIVISIONS ENACTING SECTIONS 21-801 THROUGH 21-804, ARTICLE 8, CHAPTER 21, LAWTON CITY CODE, 1995, PERTAINING TO DEDICATION AND ACCEPTANCE OF OFFSITE IMPROVEMENTS OUTSIDE THE SUBDIVISION PLATTING PROCESS.

VOTE ON MOTION: AYE: Williams, Dutcher, Purcell, Beller, Green, Warren, Maples. NAY: Shanklin. MOTION CARRIED.

12. Consider approving an ordinance amending Section 21-503, Chapter 21, Lawton City Code, 1995, revising easement requirements. EXHIBITS: ORDINANCE NO. 97-15; LMAPC MINUTES OF FEBRUARY 12, 1997.

Bigham said this amendment relates to the requirement for utility easements. Current regulations set a precise standard that at the rear of each lot there will be a total of 25 feet and there is very little flexibility. He said where you have a subdivision abutting an existing subdivision, a variance process has been required through the Planning Commission. This ordinance gives flexibility if there is a total of 25, it can be off set, and also allows for smaller than 25 utility easements for utility companies. Bigham said the Planning Commission has held a public hearing and recommends approval.

Maples asked if this would have eliminated the problem on Denver Street. Bigham said no, that was an encroachment of a house on a utility easement and this would not relate to that. Maples said that needed to be fixed also.

MOVED by Purcell, SECOND by Maples, to approve Ordinance No. 97-15, waive the reading of the ordinance and read the title only.

(Title read by Clerk) ORDINANCE NO. 97-15

AN ORDINANCE RELATING TO SUBDIVISIONS AMENDING SECTION 21-503, ARTICLE 5, CHAPTER 21, LAWTON CITY CODE, 1995, REVISING EASEMENT REQUIREMENTS.

VOTE ON MOTION: AYE: Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

City Council meeting recessed at 8:50 p.m. for the Lawton Water Authority special meeting to reconvene. City Council reconvened at 9:10 p.m. with roll call reflecting all members present.

ADDENDUM BUSINESS ITEM:

1. Consider assigning the Lessors option to purchase the fixed assets of Mrs. Harrell Moore to the School House Slough, Inc. EXHIBITS: NONE. (SEE LAWTON WATER AUTHORITY)
This was not acted on due to the Water Authority action to table.

CONSENT AGENDA:

13. Consider the following damage claims recommended for denial: Michael and Jackie Mitchell; Jean Hicks; Pete Crowley; Sheila Jones, by and through her attorney, Daniel P. Markoff; and Robert L. Jones, III. EXHIBITS: LEGAL

OPINIONS/RECOMMENDATIONS. ACTION: Denial of claims as recommended.

14. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for the claims over \$400.00: Jason and Carmen R. Frascht; Johnny G. and C. Patricia Horn; Leonard and Jackie Knowles; Basil Simmons; and Townwest Shopping Center, Inc. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. (THREE RESOLUTIONS; ON FILE IN CITY CLERKS OFFICE) Frascht: \$58.75; Horn: \$49.50;

(Title only) RESOLUTION NO. 97-36

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST LEONARD AND JACKIE KNOWLES IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF EIGHT HUNDRED ELEVEN DOLLARS AND 20/100S (\$811.20).

(Title only) RESOLUTION NO. 97-37

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST BASIL W. SIMMONS IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF EIGHT HUNDRED TWENTY-THREE DOLLARS AND THIRTY-FOUR CENTS (\$823.34).

(Title only) RESOLUTION NO. 97-38

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST TOWNWEST SHOPPING CENTER, INC., BY AND THROUGH THEIR AGENT, ROBERT L. MEADORS, IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF FOUR HUNDRED THIRTY-FIVE DOLLARS (\$435.00).

15. Consider setting a date of May 13, 1997, to hold a public hearing to consider an ordinance closing the alley in Block 16, Butler Addition located at approximately the 1300 block of E Avenue. EXHIBITS: APPLICATION; DRAWING OF PROPOSED CLOSING; COUNCIL POLICY 5-1. ACTION: Set date of May 13, 1997, to hold a public hearing to consider an ordinance closing the alley in Block 16, Butler Addition.

16. Consider accepting a water line project from Dr. McGath, M.D., acknowledging a county utility permit, permanent easement grant and a maintenance bond. EXHIBITS: COUNTY UTILITY PERMIT; PERMANENT EASEMENT GRANT; MAINTENANCE BOND. ACTION: That the water line project be accepted with the County utility permit, permanent easement grant, and the maintenance bond.

17. Ratify the action of the Lawton Water Authority concerning the approval of a lease agreement with School House Slough, Inc., c/o Kent Waller, President, for School House Slough Concession, Lake Lawtonka. EXHIBITS: NONE. (See Lawton Water Authority) ACTION: This item was pulled due to action of the Lawton Water Authority.

18. Ratify the action of the Lawton Water Authority concerning the approval of a lease agreement with Bobbie Colon for Fishermans Cove Concession, Lake Ellsworth. EXHIBITS: NONE. (See Lawton Water Authority) ACTION: Ratify Lawton Water Authority action to approve lease agreement.

19. Ratify the action of the Lawton Water Authority selecting Bank of Oklahoma to act as Trustee of the City of Lawton Landfill Trust. EXHIBITS: NONE. (See Lawton Water Authority) ACTION: Ratify Lawton Water Authority action to select Bank of Oklahoma to act as Trustee of the City of Lawton Landfill Trust.

20. Ratify the action of the Lawton Water Authority approving a trust agreement establishing financial assurance for the closure and/or post-closure care of the City's landfill facility. EXHIBITS: NONE. (See Lawton Water Authority) ACTION: Ratify Lawton Water Authority action to approve a trust agreement establishing financial assurance for the closure and/or post-closure care of the City's landfill facility.

ITEM 21 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider accepting the Rogers Lane Waterline Replacement Project 95-10 as constructed by Dobbs-Washita Construction, Inc. and placing the Maintenance Bond into effect. EXHIBITS: NONE. ACTION: Accept the Rogers Lane Waterline Replacement Project 95-10 as constructed by Dobbs-Washita Construction, Inc. and place the maintenance bond into effect.

23. Consider awarding contract for automatic gas chlorine changeover system. EXHIBITS: VENDORS MAILING LIST; PROPOSAL TABULATION; RECOMMENDATION. ACTION: Award contract (Item 1) to Capital Controls/Automatic Engineering, Inc., Tulsa, OK, and authorize execution of contract.

ITEM 24 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

25. Consider awarding contract for copper and brass. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATIONS. ACTION: Award contract to Water Products, Inc., Owasso, OK, and authorize execution of contract.

26. Consider awarding contract for CAD workstation. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. ACTION: Award contract to Tri-Star Computer, Tempe, AZ, and authorize execution of contract.

27. Mayor's Appointments. EXHIBITS: NONE.

COMMISSION ON THE STATUS OF WOMEN:

Janet Carpenter, Ward 1, Term: 3/9/97 to 3/9/99
Pauline Clyburn, Ward 1, Term: 3/9/97 to 3/9/99
Arlie Wade Hampton, Ward 8, Term: 3/9/97 to 3/9/99
Cathy Williams, Fort Sill, Term: 3/28/97 to 3/28/99

28. Consider approval of payroll for the period March 10 to 23, 1997. EXHIBITS: NONE.

Mayor Marley asked that Item 17 be removed due to Lawton Water Authority action. Williams asked for separate consideration of Item 24. Green asked for separate consideration of Item 21.

MOVED by Shanklin, SECOND by Green, to approve the Consent Agenda items as recommended with the exception of Items 17, 21 and 24. AYE: Maples, Williams, Dutcher, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

21. Consider awarding a construction contract for the Lawton View CDBG Waterline Project 96-6 to S.M. Burk Mechanical Contractors in the amount of \$239,140.00. EXHIBITS: BID TABULATION OF MARCH 11, 1997; TWO LOCATION MAPS.

Green said she wanted it to be publicly stated that this work would be done, and that in the past there had been similar items on the consent agenda that were approved but that residents did not know the work was planned.

MOVED by Green, SECOND by Beller, to award the construction contract for Lawton View Waterline Project 96-6 to S.M. Burk Mechanical Contractors in the amount of \$239,140.00. AYE: Williams, Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

24. Consider awarding contract for water meter boxes 18" with lids. EXHIBITS: VENDORS LIST; BID TABULATION; RECOMMENDATION.

Williams reviewed prices of this contract and it was clarified that the recommended vendor was Water Products, Inc., and not American Waterworks Supply.

MOVED by Williams, SECOND by Warren, to award the contract to Water Products, Inc., Owasso, OK, and authorize execution of contract. AYE: Dutcher, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

29. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suit styled Hallco, et al. vs. City of Lawton et al., Case No. CIV-95-885-M, in the United States District Court for the Western District of Oklahoma, and, in open session, take appropriate action. EXHIBITS: NONE.

30. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a claim of Charles T. Taylor, and take appropriate action in open session. EXHIBITS: NONE.

31. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suit styled Oscar Aguilar vs. City of Lawton, Case No. CJ-96-825, in the District Court of Comanche County, and in open session appoint a representative to attend the settlement conference. EXHIBITS: NONE.

MOVED by Williams, SECOND by Green, to convene in executive session to consider items so listed on the agenda. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Dutcher. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:15 p.m. and reconvened in regular, open session at 9:25 p.m. with all members present upon roll call.

Cruz reported the Mayor and Council met in executive session to consider three items on the agenda; Item 29, Hallco v. City of Lawton and others, we ask that the Council authorize the City Attorneys staff to take whatever actions are necessary to protect the City's interest in this case.

MOVED by Warren, SECOND by Dutcher, to authorize the City Attorneys staff to take whatever actions are necessary to protect the City's interest in the Hallco case. AYE: Beller, Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin.

NAY: None. MOTION CARRIED.

Cruz said Item 30 is a claim by Mr. Taylor and no action is needed.

Cruz said Item 31 is Oscar Aguilar v. City of Lawton. He requested that Council member Green be designated as the City's representative at the settlement conference.

MOVED by Dutcher, SECOND by Maples, that Council member Green be designated as the City's representative at the settlement conference in the Aguilar case. AYE: Green, Warren, Maples, Williams, Dutcher, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin said about a year ago he made a motion and Council approved \$3,000 for summer help, and apparently the motion was not made right but nothing was ever brought back to say what was wrong and consequently no help was given. He asked if the help would be available this year. Schumpert said he was receiving incomplete answers and was seeking an answer from staff as to whether this is needed or if some other method was being planned, and that an answer had not yet been received. Schumpert said he felt he would be able to give an answer by the next Council meeting.

Maples asked why nothing was brought back to Council. Shanklin said it was for part time help to get the ball diamonds ready. Schumpert said the explanation he received was that the work was accomplished through other means.

Purcell said there are two businesses on the east side of town that continue to park 18 wheelers illegally against city codes, and he asked the City Manager to begin taking action. He said if needed, he would check daily and make phone calls when the vehicles are there. Purcell said one has already gone to court and been arraigned but the violation continues; another seems to not respond. He asked that this be pursued until the message is received that citizens do not want the 18 wheelers parked near residences. Purcell asked that citations be issued on a daily basis if that is what it will take.

Williams said he received a call from a resident who had spoken to the Assistant City Manager and the Police Chief regarding the habitual abuse of motorists running red lights. He said there was a fatality not too long ago at the intersection of Sheridan and Cache Road on that very item, and it can be seen daily. Williams asked if there was some kind of action, aside from police enforcement, that the City could take like a public awareness campaign that this is a loss of human life and that we should minimize this.

Schumpert said some cities put all the lights on red for a couple of seconds to prevent accidents and allow traffic to clear the intersection. He said he would look into it. Williams said a lot of the lights take a long time to change but that some thought along this line would be appreciated.

Beller suggested a statement be included on utility bills for businesses that the time was approaching for license expiration. He said he felt this would be a good public relations effort.

Beller said this morning at the Airport Authority meeting there was discussion of the change over of the radar approach process at Fort Sill; there are still some concerns with the Airport Authority and other members of the community that maybe we jumped on that band wagon a little too quickly and there are serious concerns as to how the transition would take place, would it affect any type of degradation to the artillery center at Fort Sill and it is our position that we want to protect Fort Sill in all possible ways. He asked that we look into a position paper for the City Council members to look at to see what our position is as far as the transferring the radar approach process to Shepard Air Force Base. Beller said there are a few very ambiguous statements and paragraphs in the memorandum of agreement that are of concern, and there is a possibility it may hurt Lawton, or help Lawton if we do in fact move the radar approach to Shepard Air Force Base.

Green said on the Dunbar Project, a basic plan has been submitted to CDBG/Housing, and the second hold up was the Great Plains Improvement Foundation will be going in as the renters in the building and they have presented their plan. She said she understood a 108 loan and presentation would be made to Council on April 8.

Mayor Marley said discussion was held at the last Council meeting about a letter regarding the Fort Sill family entertainment center. He said the Chamber of Commerce received a similar letter that was to reflect the desires of the merchants in the area. Mayor Marley said two weeks ago there appeared to be no problem as far as the City, per se, was concerned and the general response of the Council was to go ahead and send the letter saying it was all right. He said he had not sent the letter and still had it because since that time, and the newspaper reported that, there has been a tremendous amount of activity by business persons not necessarily completely objecting, but having a lot of questions regarding a level playing field. Mayor Marley said the Chamber had a meeting yesterday and Mr. Gattis Restaurant and the Putt Putt Golf Course expressed a concern as to whether the center would pay taxes and so forth, and there are questions that cannot be answered yet.

Mayor Marley said COL Brown, Deputy Installation Commander at Fort Sill, came to his office this morning and talked with he and the City Manager, showing a conceptual arrangement. He said no one has done this before and Fort Sill selected by the Department of the Army to be the experimental case; the question of taxes has never been asked. Mayor Marley said he brought this up because Council has said to send the letter of approval, and from the City government side, that would

be fine, but that the City should probably act in concert with the Chamber of Commerce because at the current time they are debating this and there is more information needed. He said with Council permission, he would wait on sending the letter because he felt the City should be in concert with the Chamber of Commerce on this issue because those who are expressing concerns are also citizens represented by the City.

Maples said the only reason people are fearful of this is competition and that is not right. She said Lawton itself would love to have such an entertainment center, but no one wanted the competition. Mayor Marley agreed and said he did not think the local businesses objected to the center being there but wanted to make sure the playing field is level, in other words, if they have to pay taxes, the other business operator should also. Mayor Marley said Fort Sill offered the land, but it will be a private contractor doing a plan for the business and the contractor will have no federal government benefits so they should have to pay taxes, but it is not precise yet because it has not yet been finalized and is a conceptual idea, so it is a difficult situation to analyze and the Chamber has some reservations about it only from the fact that they do not have some answers. Maples said she thought the letter of support should be sent.

Williams said he was not present at the last meeting and suggested the City hold off on sending the letter from the standpoint of trying to identify the criteria. He said there may be state or city taxes involved and whether local citizens would be able to participate. Mayor Marley said the guest issue was discussed this morning and it is not designed to open the doors, but there is a guest issue and who would determine how many guests a person could bring with them, and that is one of the nebulous areas.

Shanklin said the article in the newspaper alluded to the fact that they had 8,000 trainees, which is wonderful, and that it would accommodate those 8,000 trainees. He said the problem he had with the Chamber being concerned would be where the Chamber is in connection with the prison that is being discussed, and that he felt the Council should pass a resolution supporting that. Shanklin said that would be 350 jobs and a \$30 or \$40 million investment.

Maples said she would rather see the trainees at an entertainment center than at strip joints hanging out. Mayor Marley said there are a certain number of weeks before the trainees can leave Fort Sill; they are free on the weekend but cannot leave Fort Sill, and that was the basic genesis of this to have something for those folks who are not permitted to leave.

Shanklin asked if there are 8,000 trainees out there and Mayor Marley said those were the figures provided. Maples asked if a vote could be taken on sending the letter. Mayor Marley said not at this time, but that he would ask that it be placed on the April 8 agenda for that purpose. Beller said some of the citizens who had heard a comment that Fort Sill wanted to have a community within a community were concerned about that, and that he would not want to support a separation but would favor a togetherness of Lawton and Fort Sill. Williams said the new PX and other activity centers do tend to keep Fort Sill personnel on the base rather than coming into Lawton. Maples said those people are entitled to such benefits. Williams said he wanted to work for a good relationship with the base. Shanklin said not all communities enjoy the relationship that Lawton and Fort Sill have.

Mayor Marley said he was in Washington last week and that everyone knows Lawton Fort Sill and it is the greatest thing the Army has to showcase. Purcell said there is not a time frame as to when the letter is required and suggested holding off until more information is received.

Purcell asked that a resolution be done on the prison as Shanklin had suggested.

Schumpert said he and the Mayor met today with a group of individuals about a community intake center or assessment center, which is a place where police officers could take juveniles and turn them over to such a facility and the officers would go back to work and the center personnel would process the juvenile through the appropriate system. He said there had been meetings with the juvenile bureau, the district judge, city attorney and police chief; last information was that Marie Detty who had put in for the grant was going to withdraw; a meeting was held today and that is now back on the table and Marie Detty and juvenile bureau will hopefully agree on a process for this. Schumpert said it would certainly help the police officers as far as juveniles are concerned. He said this is possible primarily through the efforts of the Speaker of the House, Mr. Benson.

Shanklin asked what the cost would be. Schumpert said there would be no initial cost but the federal money would run out in three years and state money would run out in five. Schumpert said it would then be similar to the juvenile detention center where cities pay a fee for each juvenile, and it would be a regional center for juveniles throughout the county; if it is a success, state support may also continue. Schumpert said the cost of the center is not known at this time. Shanklin said it would have to help because too many times the officers have to turn them loose.

Mayor Marley said Mr. Leo Fallon, Mayor at Frederick, is in Memorial Hospital and has been diagnosed with cancer. He was wished well.

Williams asked if there was an idea on when the Museum construction would be completed and when it would be turned over to the City. Schumpert said the contractor is working on the punch list and there is some disagreement about the bad weather and non-work days, and that the information can be furnished. Williams said there is some concern in one respect that maybe the City would accept it as complete, although some deficiencies may exist, only for the Institute to have to inherit those deficiencies, and some reassurance may be needed that this will not happen. Schumpert said the Council would have to accept the project and place the maintenance bond into effect so that would likely not happen.

Maples wished everyone Happy Easter and asked that everyone remember the real reason the holiday is celebrated.

There was no further business to consider and the meeting adjourned at 9:45 p.m.

JOHN T. MARLEY, MAYOR

ATTEST:

BRENDA SMITH, CITY CLERK